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JAMES P. [unclear]

BY [signature]

DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

RAYLENE DIAZ, ) Case No. 06cv1890-LAB(WMc)  
Plaintiff, ) **NOTICE AND ORDER FOR EARLY**  
v. ) **NEUTRAL EVALUATION CONFERENCE**  
MERCK & COMPANY, INC., )  
Defendants. )

**IT IS HEREBY ORDERED** that a telephonic Early Neutral Evaluation of your case will be held on October 16, 2006 at 2:45 p.m. in the chambers of the Honorable William McCurine, Jr., United States Magistrate Judge, 940 Front Street, Courtroom C, San Diego, California, 92101. **Absent extraordinary circumstances, requests for continuances will not be considered unless submitted in writing no less than fourteen (14) days prior to the scheduled conference.**

**Participation by counsel of record is mandatory. Parties may choose to participate at their discretion.**

All conference discussions will be informal, off the record, privileged, and confidential.

1 Counsel for any non-English speaking parties is responsible  
2 for arranging for the appearance of an interpreter at the  
3 conference.

4 In cases where a party is incarcerated at the time of the  
5 scheduled conference, arrangements will be made for the  
6 incarcerated party to appear telephonically.

7 The parties are required to submit a short Early Neutral  
8 Evaluation Conference Statement about the case on a confidential  
9 basis no later than **seven (7) days** before the conference.

10 Rule 26 of the Federal Rules of Civil Procedure shall apply to  
11 this case. All discovery shall be stayed until after the Rule  
12 26(f) conference, unless otherwise permitted by Rule 26(f) or court  
13 order.

14 In the event the case does not settle at the Early Neutral  
15 Evaluation Conference, the parties shall also be prepared to  
16 discuss the following matters at the conclusion of the conference:

17 1. Any anticipated objections under Federal Rule of Civil  
18 Procedure 26(a)(1)(E) to the initial disclosure provisions of  
19 Federal Rule of Civil Procedure 26(a)(1)(A-D);

20 2. The scheduling of the Federal Rule of Civil Procedure  
21 26(f) conference;

22 3. The date of initial disclosure and the date for lodging  
23 the discovery plan following the Rule 26(f) conference; and

24 4. The scheduling of a Case Management Conference pursuant  
25 to Federal Rule of Civil Procedure 16(b).

26 Plaintiff's counsel shall give written notice of the Early  
27 Neutral Evaluation Conference to parties responding to the  
28 complaint after September 25, 2006.

1     COUNSEL FOR PLAINTIFF IS INSTRUCTED TO INITIATE THE CALL BY  
2     FIRST TELEPHONING OPPOSING COUNSEL AND THEN TELEPHONING THE COURT  
3     AT 619-557-6624.

4           Questions regarding this case may be directed to the  
5     Magistrate Judge's law clerk at (619) 557-6624.

6  
7     Dated: 9/25/06                      W. McCurine, Jr.  
8                                      WILLIAM McCURINE, JR.  
   United States Magistrate Judge

9     COPY TO:

10    HONORABLE LARRY A. BURNS  
11    U.S. DISTRICT JUDGE

12    ALL COUNSEL AND PARTIES OF RECORD  
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**NOTICE OF RIGHT TO CONSENT TO TRIAL**  
**BEFORE A UNITED STATES MAGISTRATE JUDGE**

IN ACCORDANCE WITH THE PROVISIONS OF 28 U.S.C. § 636(c), YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE JUDGE OF THIS DISTRICT MAY, UPON THE CONSENT OF ALL PARTIES, ON FORM 1A AVAILABLE IN THE CLERK'S OFFICE, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. COUNSEL FOR THE PLAINTIFF SHALL BE RESPONSIBLE FOR OBTAINING THE CONSENT OF ALL PARTIES, SHOULD THEY DESIRE TO CONSENT.

YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT TO CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE JUDGE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.

JUDGMENTS OF THE U.S. MAGISTRATE JUDGES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE.